

SECOND REGULAR SESSION

HOUSE BILL NO. 1635

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SEITZ.

3634H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 192, RSMo, by adding thereto one new section relating to public health.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 192, RSMo, is amended by adding thereto one new section, to be
2 known as section 192.024, to read as follows:

**192.024. 1. For purposes of this section, the term "individual" means any adult
2 or minor child.**

**3 2. Notwithstanding any laws, rules, orders, or directives made or promulgated in
4 response to an emergency including, but not limited to, a national security emergency,
5 an emergency declared under chapter 44, a local emergency, a health emergency, or any
6 peacetime emergency, and notwithstanding any laws or rules that address outbreaks or
7 potential outbreaks or epidemics of a contagious, infectious, or communicable disease
8 other than the provisions of subsection 5 of this section, individuals retain the right to be
9 free and independent and maintain their inalienable and fundamental right of self-
10 determination to make their own health decisions including, but not limited to, the right
11 to refuse any of the following health-related countermeasures:**

- 12 (1) Medical treatments or procedures;**
- 13 (2) Testing;**
- 14 (3) Physical or mental examination;**
- 15 (4) Vaccination;**
- 16 (5) Experimental procedures or protocols;**
- 17 (6) Collection of specimens;**
- 18 (7) Participation in tracking or tracing programs;**

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 **(8) The wearing of masks;**

20 **(9) The maintenance of a measured distance from other humans and animals**
21 **that is not otherwise unlawful;**

22 **(10) The involuntary sharing of personal data or medical information; and**

23 **(11) Any other recommended or mandated health-related countermeasure.**

24 **3. Notwithstanding any provision of law other than the provisions of subsection 5**
25 **of this section, an individual who has been directed or ordered by a government or its**
26 **designees or by a public or private business or entity including, but not limited to, a**
27 **commissioner or director of health, a local health officer, a sheriff, a peace officer, or any**
28 **designee of such commissioner, director, or officer to submit to a directive or order that**
29 **imposes a health-related countermeasure as described in subsection 2 of this section may**
30 **decline to comply with, respond to, or participate in any countermeasure described in**
31 **the directive or order.**

32 **4. Notwithstanding any provision of law other than the provisions of subsection 5**
33 **of this section, the government or its designees, employers, businesses, nonprofit**
34 **organizations, institutions, churches, travel carriers, or any other public or private**
35 **entities shall not infringe upon, impose conditions on, restrict, or remove an individual's**
36 **ability to fully participate in necessary and important services and lifestyle choices and**
37 **preferences including, but not limited to, education, day care, employment, travel,**
38 **religion, hobbies, entertainment, and sports based on an individual's choice to decline to**
39 **comply with any countermeasure described in subsection 2 of this section.**

40 **5. (1) An individual who declines to comply with a countermeasure described in**
41 **subsection 2 of this section may be required to participate in isolation or quarantine**
42 **under the authority of section 192.020 or any other law permitting isolation or**
43 **quarantine requirements or regulations if:**

44 **(a) The individual is infected with or reasonably believed to be infected with a**
45 **communicable disease, has been exposed to a toxic agent that can be transferred to**
46 **another individual, or has been exposed to a communicable disease; and**

47 **(b) The toxic agent or communicable disease is the basis upon which an**
48 **emergency has been declared or is the basis of a nonemergency order, law, or rule.**

49 **(2) Notwithstanding any state or local laws on isolation or quarantine**
50 **procedures, any isolation or quarantine required of an individual as permitted under**
51 **this subsection shall be the least restrictive means possible to prevent the spread of the**
52 **toxic agent or disease; shall include reasonable notice and due process; shall protect the**
53 **right of the individual to remain in his or her home and live with family members,**
54 **friends, and significant others at all times; and shall not require any alteration or**
55 **renovation, such as the addition of a bathroom, to any home.**

56 **(3) Any requirement for a noninfected individual to quarantine shall be based on**
57 **sufficient credible evidence of contact with or close proximity to an infected individual**
58 **and shall not be imposed based on third-party location data.**

59 **(4) Treatment, testing, tracking, or prevention orders shall not be imposed as a**
60 **requirement of ending the isolation or quarantine of an individual.**

61 **(5) An individual in isolation or quarantine shall have the right to utilize the**
62 **health care treatments of his or her choice and the right to be accompanied by a**
63 **consenting individual of his or her choice to attend to his or her needs at all times during**
64 **the isolation or quarantine period.**

65 **(6) An individual's quarantine or isolation shall not remove or alter the**
66 **individual's legal or medical custody of another individual. A minor child shall not be**
67 **forcibly removed from his or her parent or legal guardian or home in order to enforce**
68 **an individual's quarantine or isolation.**

69 **6. (1) Before a health care provider or individual who has been directed or**
70 **ordered by a government or its designees or a public or private business or entity**
71 **including, but not limited to, a commissioner or director of health, a local health officer,**
72 **a sheriff, a peace officer, or any designee of such commissioner, director, or officer to**
73 **enforce a public health directive or order performs a countermeasure included in the**
74 **directive or order or requests participation in a countermeasure included in the**
75 **directive or order including, but not limited to, any countermeasure described in**
76 **subsection 2 of this section, the health care provider or individual shall notify the**
77 **individual to whom the directive or order is being given of his or her rights under this**
78 **section by reading aloud to the individual subsections 2 to 4 of this section.**

79 **(2) If the individual to whom the directive or order is being given is a minor,**
80 **subsection 2 to 4 of this section shall be read aloud to the minor's parent or legal**
81 **guardian.**

82 **(3) A written copy of this section shall be provided to the individual to whom the**
83 **directive or order is being given or, if the individual is a minor, to his or her parent or**
84 **legal guardian.**

85 **(4) The health care provider or other individual giving the directive or order**
86 **shall obtain a signature of acknowledgment of receipt of the notification from any**
87 **individual or parent or legal guardian who declines to comply with or participate in the**
88 **countermeasure.**

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